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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,455	01/23/2002	Derek Graham Lane		6385
35886	7590	08/24/2004		EXAMINER
DEREK LANE				MISTRY, O NEAL RAJAN
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SAN FRANCISCO, CA 94103			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/055,455	LANE, DEREK GRAHAM	
	Examiner O'Neal R Mistry	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 December 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on January 23, 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This application has been examined.
2. Claims 1-4 are presented for examination.

### ***Priority***

3. The application 10/055455 claims priority to provisional application 60/256234, which also allows an earlier file date, filed on December 18, 2000.

### ***Drawings***

The Examiner contends that the drawings submitted on January, 23, 2002 are acceptable for the examination proceedings.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Patent 5,877,766) in view of Bates et al (U.S. Patent 5,390,295).
5. In regards to claim 1, Bates (U.S. Patent 5,877,766) shows a graphical user interface component and method for displaying linked records with node elements representing individual records, and other optional link records. The nodes are displayed using an output device in a hierarchical tree and are connected together via links to indicate the relationship between nodes. Each node contains information about a document which is transferred from a network, and inserted in to the user's cashed memory as a copy. Also, Bates discloses "storing said plurality of nodes" (col. 3 lines 54-56) [whether stored locally, on a private network, and/or on the Internet or other public network.], "tracking for each node a measure of interest held

by the user in said node, said measure being referred to as the 'activation' of said node" (col. 4 lines 29-32) [a matching status may be indicated in individual node display elements to indicate whether the associated records match a predetermined search criteria.], "presenting said plurality of nodes said user using an output device", (col. 11 lines 55-58) [sliders 68a, 68b, and 68c. Each slider is typically associated with an active window in which is displayed the contents of the document associated with the node display element in which the slider is located.].

Bates U.S. Patent 5,390,295 shows an apparatus for changing the proportionality of the screen display depending on the amount time spent using the activation window. Bates also discloses, "wherein each node is allocated a fraction of the output capacity of said output device, said fraction being substantially proportional to the activation of said node"(col. 2 lines 15-17) [apparatus for distinctively and proportionally displaying windows on a computer display screen], "interpreting user input indicating interest in a node such that activation of said node is increased" (col. 5 lines 1-5) [the windows that were active a longer length of time are displayed more distinctively than windows that were active a shorter length of time. The actual manner in which active windows are displayed more distinctively is dependent on the parameters], "whereby more of the output capacity of said output device is allocated for the presentation of nodes that hold more

interest to said user". (col. 2 lines 25-30) [a window that was active 40% of the time will have a size that is 40% of the specified window tiling area. Windows that have not been active long enough to exceed a minimum window tiling threshold are displayed as icons outside of or under the specified window tiling area]. The examiner interprets that if the if a window is active, it could be considered user interest, which the display screen changes with the proportionality of the user interest.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use Bates (U.S. Patent 5,390,295), method of proportionally changing windows display, into Bates (U.S. Patent 5,877,766), a graphical user interface to display linked notes.

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine the two invention because if Bates (U.S. Patent 5,877,766), uses a hierarchy tree to display the linked nodes and the relationship between nodes, one of the ordinary skill in the art would of wanted to search if there was an apparatus that had the ability to display hierarchy information in a window that changes the proportionality format for the user to view, and the modification of the new apparatus would change the size of the nodes being displayed on the screen depending on the user interest. Also, the combination would severely restrict the number of different tasks or application programs that can really be used concurrently and displayed or otherwise presented simultaneously via windows.

6. In regards to claim 2, Bates (U.S. Patent 5,877,766) states storing with a first node a plurality of links, each link referring to a second node, and the link having a measure of relatedness of the first node to the second node, the measure being referred to as the "weight" of the link (col. 31 lines 19-24) [From such an effect an end user may also be able to determine which documents receive priority and which take the longest to retrieve. This information may be used, for example, to prioritize the retrieval of multiple documents to provide the most efficient usage of a map display.]. The examiner notes that by having priority on the documents, the user provides the most efficient usage of a map display, the first node is referring to a second, and the measure of relatedness of the first node to second node is measured by "weight", which was defined in the specification as "Additionally, the links themselves are prioritized using weight values for each link"(page 11 line 1-3). The examiner rejects the claim, because the prior art is setting a priority on the documents, which are linked relatedness of the first to second nodes.

presenting to the user a plurality of nodes using the output device, wherein the proximity of the presentation of a first node to the presentation of second node substantially proportional to the weight of the link between the first node and the second node, (col. 15 lines 18-24) [Next, an status information, e.g., cache status, matching status, selected status, etc. (discussed below), is retrieved for each node display element so that, in block 260, the map display is

redrawn, along with appropriate status indicators for each node display element.]. The examiner interprets that block 260 is used to redraw the screen so that all the linked nodes' relationship are being shown.

whereby nodes that are more related are presented to the user in closer proximity to each other than nodes that are less related. The examiner notes that if a tree hierarchy is used in displaying the nodes, when a user is searching through the tree item in the same sub-parent, child, and sibling structure are related to one another.

7. In regards to claim 3, Bates (U.S. Patent 5,877,766) states interpreting user input indicating interest in a first node such that activation of a second node is increased by an amount substantially proportional to the weight of the link between the first node and the second node, (col. 32 lines 15-19) [is that the depth from which to perform a search, i.e., the number of links to take from a given root node. This may enable more focused searching to be performed as desired. For example, an end user may select a depth of only 2-4 levels,]. The examiner notes that by moving in dept of only 2-4 levels, this allows the user to go from first node to the second node, which permits a better search.

whereby user interest in a first node will result in an increase in activation of the second node, the increase being substantially proportional to the relatedness the second node to the first node. (col. 31 lines 59-66) [...end user may select a search criteria from which a new map display, or part of an existing map display, is generated

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showing documents that meet the search criteria. For example, if an end user is currently visiting a "garden" site on the Internet that has many links to suppliers of flowers, the end user may be able to select "purple cone" as the flower for which to build a map display. Upon generation of a map display, all sites that refer to "purple cone" flowers may be found.]. The examiner interprets that by using the search feature, the user has the ability to go from the first node to the second node, and if the user chooses to go from the second to first node, that the nodes are inner related to each other. The term "purple cone", has nothing to do with garden, but a purple cone flower is related to a garden, and if the user express interest in the "purple cone", the search criteria will also mention "garden", if the user has interest in the topic node.

8. In regards to claim 4, Bates (U.S. Patent 5,877,766) discloses storing said plurality of nodes wherein each node includes one or more elements selected from the group consisting of descriptive text, images, audio, video, and computer programs, (col. 3 lines 54-56) [navigating hypertext documents, whether stored locally, on a private network, and/or on the Internet or other public network.]

presenting to said user a plurality of nodes on the output device, wherein the output device is capable of presenting the elements a node within the fraction of the output capacity of the output device allocated to said node, (col. 3 lines 49-53) [a unique user display and method of using the same in

which linked records are graphically displayed with node display elements representing individual records, and link display elements representing the links therebetween.]

whereby the elements of the node are displayed in an amount of detail proportional to the user's interest in the node. (Bates U.S. Patent 5,390,295; col.

2 lines 25-30) [a window that was active 40% of the time will have a size that is 40% of the specified window tiling area. Windows that have not been active long enough to exceed a minimum window tiling threshold are displayed as icons outside of or under the specified window tiling area].

The examiner interprets that if the if a window is active, it could be considered user interest, which the display screen changes with the proportionality of the user interest.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to O'Neal R Mistry whose telephone number is (703) 305-2738. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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